

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DEC - 7 2012

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

KIMBERLY "SWEET BROWN" WILKINS)
and SPARKELL ADAMS, d/b/a GLOBAL)
ROCKSTAR MANAGEMENT,)

Plaintiffs,)

vs.)

Case No. CJ-2012-3851

CITICASTERS CO., THE BOB RIVERS SHOW,)
BEN KARLSTROM,, ITUNES, INC., a subsidiary)
of APPLE, INC., and JOHN DOES 1-25,)

Defendants.)

FIRST AMENDED PETITION¹

Plaintiffs, Kimberly "Sweet Brown" Wilkins and Sparkell Adams d/b/a Global RockStar Management, for their First Amended Petition, would show the Court as follows:

THE PARTIES

1. Plaintiff Kimberly "Sweet Brown" Wilkins is a resident of Oklahoma County, Oklahoma.
2. Plaintiff Sparkell Adams, d/b/a Global RockStar Management is a resident of Oklahoma County, Oklahoma.
3. On information and belief, defendant Citicasters Co., which owns KJR-FM and the Bob Rivers Show, is a corporation created and existing under the laws of the State of Ohio. (collectively "Clear Channel Defendants").

¹Plaintiffs file their First Amended Petition pursuant to 12 O.S. §2015(A) and note that they do so with written consent of counsel for the only defendants served in the case, Citicasters Co. and the Bob Rivers Show.

4. On information and belief, defendant iTunes, Inc., is a subsidiary of Apple, Inc., a corporation created and existing under the laws of the state of California.

5. On information and belief, defendant Ben Karlstrom is a resident of Canada.

JURISDICTION AND VENUE

6. Venue is proper in this Court because plaintiffs reside in Oklahoma County. 12 O.S. §137.

7. The amount in controversy is in excess of \$75,000, exclusive of fees and costs.

BACKGROUND FACTS

8. On or about April 8, 2012, plaintiff Kimberly "Sweet Brown" Wilkins ("Sweet Brown") was interviewed by a local television news station to give her reaction to a fire in the apartment building in which she lives in Oklahoma City. The television interview was subsequently aired.

9. On or about April 9, 2012, defendant the Bob Rivers Show contacted Sweet Brown by telephone. During the interview, Sweet Brown was asked and answered general questions relating to the apartment fire.

10. At no time did Sweet Brown consent or agree to have her name, likeness, voice, statements, photograph used in connection with any products, songs, video productions, merchandise, goods, advertisements, or solicitations for merchandise, goods or services.

11. On or about April 9, 2012, Clear Channel Defendants engineered and/or produced a song and video titled "I Got Bronchitis" using plaintiffs likeness and voice and various catch phrases uttered during the April 8 and April 9 interviews, including, but not limited to the following phrases: a) "Ain't Nobody Got time for That;" b) "Cold Pop;" c) "Ran for my Life;" d) "Thought

sombody was Bar-b-Que'n;" e) "Oh, Lord Jesus, it's a FIRE;" and other phrases. Clear Channel Defendants played the song on air on its local and/or syndicated radio shows.

12. On or about April 10, 2012, Clear Channel Defendants began selling the song on the "I-Tunes" website owned and operated by defendant, Apple, Inc.

13. "John Does 1-25" are additional defendants to be named at a later date who have used Sweet Brown's name, likeness, voice, statements, and/or photographs in connection with the interstate and/or intrastate commercial sale of products, songs, video productions, merchandise, goods, advertisements, or solicitations for merchandise, goods or services without Sweet Brown's consent.

14. Plaintiff Sparkell Adams d/b/a Global RockStar Management is Sweet Brown's manager and is contractually entitled to a percentage of revenue from use, sale or licensing of Sweet Brown's name, likeness, voice, statements, and/or photographs, earned in connection with any products, songs, video productions, merchandise, goods, advertisements, or solicitations for merchandise, goods or services.

CAUSE OF ACTION

14. Plaintiffs incorporate paragraphs 1-13 above as if restated fully herein.

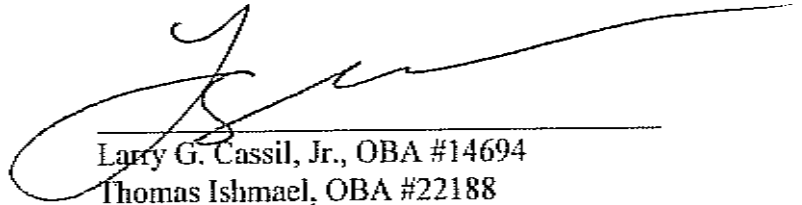
15. Defendants' actions are a continuing violation 12 O.S. §1449, the Oklahoma "Unauthorized use of Another Persons' Right of Publicity Statute."

16. Plaintiffs seek actual damages in an amount including, but not limited to, lost profits, emotional distress, and gross revenue earned by all defendants, less any deductible expenses.

17. Plaintiffs also seek an award of punitive damages, attorney fees, and costs pursuant to 12 O.S. §1449(A).

WHEREFORE, Plaintiffs, Kimberly "Sweet Brown" Wilkins and Sparkell Adams d/b/a Global RockStar Management, request the Court to enter judgment in their favor on all causes of action, award her actual and punitive damages, costs, attorney fees and any and all other relief to which she is entitled.

All of which is Respectfully Submitted,



Larry G. Cassil, Jr., OBA #14694
Thomas Ishmael, OBA #22188
HORNBECK VITALI & BRAUN, P.L.L.C.
3711 N. Classen Blvd.
Oklahoma City, OK 73118
Phone: (405) 236-8600
Fax: (405) 236-8602
cassil@hvblaw.com
ishmael@hvblaw.com

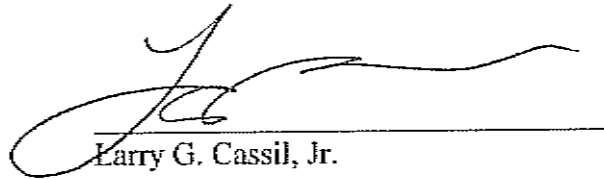
*Attorneys for Kimberly "Sweet Brown" Wilkins
and Sparkell Adams d/b/a Global RockStar
Management*

**JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED**

CERTIFICATE OF SERVICE

This is to certify that on the 7th day of December, 2012, a true and correct copy of the above and foregoing document was served, via e-mail and United States Mail with first class postage prepaid fully thereon, to the following counsel of record:

Lisa S. Barkley
Laura Lee Prather
Catherine L. Robb
HAYNES & BOONE, LLP
112 East Pecan Street, Suite 1200
San Antonio, TX 78205
lisa.barkley@haynesboone.com



Larry G. Cassil, Jr.